

ENSIGN WADE TESTIFIES

VALLEJO, October 17.—The most interesting day of the court-martial of Commander Lucien Young of the Bennington was today's session, which witnessed the appearance of Ensign Chas. T. Wade of the ill-fated warship on the witness stand. Although Wade has been sick almost unto death since the terrible explosion, he appeared well and strong while on the stand. He refused to answer many questions, as they might be used against him in his court-martial, which is to follow that of his commanding officer.

In answer to a question by Judge Advocate West, Wade stated he had had no engineering experience aboard ship previous to being assigned to the Bennington on October 22, 1904, and that he was in command of the engine-room of the ship from that date until July 21.

Wade testified that the boilers of the Bennington had been tested at the Bremerton navy yard about a year ago and that later boiler A was tested at Magdalena Bay with a pressure up to 200 pounds. Wade stated that on the morning of the explosion the boilers were filled with water from a lighter and that he had given orders to the chief machinist to start the hydrokinometers on boilers A and B when the water showed in the gauge glasses. He said that he ordered the fires started slowly in order to raise 125 pounds of steam by 1 p. m. that day. The hydrokinometers were started about 7 a. m. and were supposed to be in good condition.

Wade said he knew of no reason why steam should form quicker in boiler B than A, unless the fires were stronger. The steam gauge had been turned at 9:50 a. m. and at that hour there was about 120 pounds of steam. Water-tender Hunt was relieved from watch about 9 a. m. by De Curtoli.

Wade stated that he had made adverse reports on the boilers in the log of the ship previous to the explosion—first the boilers were fair, then good and lastly poor.

A soiled sheet of paper from the log book, dated July 21, was handed to Wade and he identified it as one found by him in the ship on the day following the explosion. Its contents were not stated, but it was admitted as evidence. Regarding Sunday inspection, Wade remembered not more than five, his station on Sunday being with the deck division and he did not go below except by order of the executive officer. Wade qualified this statement by saying that shortly after Young joined the Bennington he had accompanied his commanding officer on an inspection of the engineering department.

The day after the explosion Wade visited the engine-room with Frederickson. They found the main and auxiliary stops of boiler B closed. Frederickson found that the main stop of boiler B would not open and attempted to knock it off with a wrench, but could not do so. Asked if he were aware of the regulation which demands that the stops and cocks be moved once a week when not under steam, Wade answered only after a long wrangle between the counsels that he was, but that Young had never called his attention to this rule. The rule had been carried out.

At the morning session Lieutenant Commander Bartlett completed his testimony and appeared in an entirely different mood than on the day previous. He said that he was willing to answer the questions to which there had been objection on the day previous. There was little discussion over this admission and the defense smiled confidently and said that as the board desired no further expert testimony from Bartlett that they would not infer that they believed that Bartlett had been discredited as an expert.

After Bartlett had completed his testimony, Judge Advocate West arose and announced that, without suggestion from any one, he had sent a telegram to the Navy Department requesting that on the conclusion of Bartlett's testimony he be retained as an assistant counsel for the prosecution. The department had wired its assent. Thus was briefly explained what had been heralded as an attempt of the Navy Department to convict Young by furnishing additional talent for the prosecution.

EVIDENCE OF STRUCTURAL WEAKNESS.
VALLEJO, October 19.—Commander George B. Ransom, at the Bennington court-martial, this morning gave it as his opinion that, from the condition of the crown sheets of the middle furnace, the combustion chamber and the tube sheets, after the explosion, there was no evidence of low water in the boiler.

Lieutenant Commander A. S. Halstead of the flagship Chicago, another expert witness, was then called by the defense. He was a member of the board which investigated the Bennington explosion. He examined boiler B at San Diego and later at Mare Island. There was nothing to indicate overpressure. The rivets were not in good condition and the points were very short when driven. The examination of tubes did not indicate leaks which would occur from overpressure.

Careful examination of the safety valve of Boiler B, after it was removed at San Diego, gave no evidence that it would lift at the pressure set. When he was junior engineer officer of the Bennington the valves were considered unreliable.

Commander Halstead was recalled for further technical examination. He thought oil could be deposited locally on the crown sheet of a furnace and not be shown elsewhere, and as an expert (differing from his opinion of this morning), that fatality was the result of overpressure. Questioned regarding rivets, he said those in boiler A showed the same defects as those in boiler B.

Commander W. H. Allerdice, retired, another expert, at present engaged in active duty as inspector of engineering materials in Pennsylvania,

WIFE IS ABUSED FOR HER BELIGION

Wahineaukai Lazarus has sued Alexander K. Lazarus for divorce, alleging a peculiar sort of cruelty. The parties were married on August 21, 1902. Mrs. Lazarus mentions that she takes much interest in church and Sunday school work of Kawaiahao congregation and, in relating a course of ill-treatment she has received from her husband, says:

"The gravest marital differences, both in number and severity, which have fallen to the lot of the parties herein have been caused by the attempts and efforts of said libelee to prevent this libellant from the performance and enjoyment of her religious duties in connection with her membership in said church, choir, Sunday school and various affiliated associations."

Among acts of cruelty on the part of her husband charged in the libel are beating and kicking and scourging her with a leather strap. C. W. Ashford is attorney for libellant.

Kikuyo Shimazu has sued Michiyuka Shimazu for divorce, charging extreme cruelty including threats to kill her.

NEWS CONDENSED FROM COAST FILES

"Cool" Burgess, the minstrel, is dead. Armour cleans up million in wheat deals.

A British fleet is to remain near the Baltic.

Mrs. Chadwick's jewels at auction brought \$2217.

Consul Alvin Smith at Trinidad has been removed.

Prince and Princess of Wales have started for India.

Mrs. Lloyd Wheaton, wife of Gen. Wheaton, is dead.

The 24th Infantry (colored) is to serve a second term in Mindanao.

Roosevelt met the widow of "Stonewall" Jackson at Charlotte, N. C.

J. Zenil, Minister of Mexico to Austria-Hungary, died at Vienna.

The convicted man with the ossified neck at Chicago is not to hang.

The C. & N. W. Ry. is to establish a faster train service to the Pacific Coast.

Confidence in declaration of four per cent. dividend causes a rise in S. P. stock.

Archbishop Messmer of Milwaukee does not believe in Catholic military societies.

Chicago banks subscribed for a new \$12,000,000 bond issue of the Cuban Government.

The betrothal of Prince Ferdinand of Bavaria to Infanta Maria Theresa is announced.

Jos. Hoadley lost \$3,000,000 in New York in one day, protecting the market as he claims.

W. H. Wanamaker, head of Wanamaker & Brown, and brother of John, is dead.

The last payment in the Friar Lands purchase, \$3,255,000, has been paid the Dominican order.

Wm. Wilson is now chairman of the Cunard S. S. Co. in succession to Lord Inverclyde, dead.

Dowager Queen Margherita, soon to visit America, has purchased a 40-horse power auto to tour the U. S.

W. C. T. U. delegates on a train en route to Los Angeles had wine sauce strewn from dining-car menu.

Oom Paul's nephew, who fell heir to the estate of an Irish theater victim, has been found near Spokane.

Twenty-four vessels and 20 lives were lost in the furious storm which swept over the Great Lakes on October 26.

Steamer Amerika of the Hamburg-American line reached New York on her maiden trip O. K. Her displacement is 41,000 tons.

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JAS. B. CASTLE PLANS A GREAT KOOLAU FUTURE

James B. Castle has great plans for the future of the Koolau side of Oahu. He has bought a controlling interest in the newly organized Koolau Railway Company and has sent for J. P. Spindle, lately an engineer for the Rapid Transit Co., to run a survey from Kahuku through both Koolau and Koolaula, including a survey for a tunnel through the mountain into Manoa valley to connect with the Rapid Transit Co.'s line at the head of the valley. An alternative survey will be made around the east end of Oahu.

As yet Mr. Castle has not any definite plan as to when he will extend the road farther than Kahana, which is eight miles from Kahuku, but he intends to have the completed surveys made so that, at any time in the future, when he wants to build farther he will be in a position to do so without delay.

A contract has been made between the railway company and the Kahuku Plantation Co. by which the latter has the right to run plantation trains over the railroad, and the operation of a freight and passenger train to connect with the O. R. & L. Co.'s trains at Kahuku will be inaugurated immediately.

In addition to the railroad development of Koolau above outlined, Mr. Castle is entering on large agricultural enterprise in that district. He has bought the one-half interest of J. P. Mendonca in the Kaneohe ranch and has secured an option on the other half interest, which is owned by C. Bolte, and on the entire Heeia plantation, also owned by Mr. Bolte. These properties cover a considerable amount of real estate and a complete sugar mill at Heeia. The principal part of the area, however, is leasehold, the lands being owned by Mrs. Nannie R. Rice of Boston. Mr. Castle is now negotiating with Mrs. Rice for the purchase of the fee simple of the lands.

It is Mr. Castle's intention at an early date to join the two properties which formerly constituted the Kaneohe and Heeia sugar plantations, and to add thereto a large area of fertile land not heretofore under cultivation, which will be reached by pumping, and turn the whole into a sugar plantation.

If Mr. Castle secures the fee of the land, he proposes to cut the whole of it into homesteads and divide them among white settlers to raise sugar cane to sell to a central mill, and produce other crops for which this land is well adapted. Mr. Castle is an enthusiastic advocate of white immigration and proposes to give that proposition the fullest and most favorable opportunity for success.

A CEMENT SCANDAL OVER HILO JAIL SPECIFICATIONS

(Mail Special to the Advertiser.)

WASHINGTON, D. C., October 16.—The matter of cement to be used in the construction of a jail at Hilo has kicked up quite a dust here in official circles. There has been a good bit of correspondence between Washington and Honolulu about it and the end is not yet. The contract for the construction of the jail, as understood here, has been awarded, but the principle involved in the controversy has not been settled.

Vice President James B. Smith of the Western Fuel Company entered complaint because the specifications in the advertisements for bids for the jail called for Germania cement or English cement equally good. That precluded any firms handling American cements from competing. Through his attorney, Mr. Charles H. Merillat in this city, Mr. Smith protested and the question was presented to Acting Secretary of the Interior Ryan. It was argued that this was very un-American and, in fact, very unusual, in calling for bids for contracts where large quantities of cement must be used. The acting secretary wrote to Governor Carter in Honolulu by whom the matter was referred to Architect Traphagen. Mr. Traphagen replied that no American cements would answer for use in tropical climates and that it would be wasteful to use in the construction of the Hilo jail or any other public building.

As soon as Mr. Traphagen's letter was received here, through the usual official channels, Attorney Merillat, in behalf of his clients, wrote another letter to the Secretary of the Interior, in which he said the Honolulu architect was clearly mistaken, for large quantities of American cement have been contracted for to use on the Panama canal, in a locality quite as tropical as Honolulu. He further insisted that the principle of excluding American cements, as followed in the bids for the Hilo jail, was wrongful and that some such words as "or other cement equally good," should have been inserted in the specifications. The Western Fuel Company does not propose to yield in the matter till it has been fought to the last ditch, although not caring especially about the Hilo contract. The final word has not been given yet by the Interior Department.

A ROW OVER ASIATIC LABOR.

Mr. Fred Sackwitz, who subscribes himself as a resident of 1118 Gulick Avenue, has been raising a rumpus here about the employment of Asiatics on federal works in the territory. He has succeeded in getting the question before the Treasurer, Navy and War Departments, and before the Department of Commerce and Labor. His first letter was written from Honolulu June 26, and addressed to President Roosevelt. He wrote: "A condition exists in this territory of which I think you should be informed. The Federation of Labor has tried every other means of having it remedied, but has failed. I now come to you as a last resort."

"The territorial government passed a law a few years ago, under which only citizen labor is permitted on territorial government work, which law is carefully enforced by Gov. Carter. But when it comes to federal government work it is done by Orientals. Now as the federal government is to spend a great deal of money here I earnestly urge that citizens only be employed on federal government work."

It is not known whether President Roosevelt saw the letter in question, but it was received at his office and referred to the Interior Department. The then Acting Secretary of the Interior, Mr. Miller, replied July 12 to Mr. Sackwitz, asking that he make his charges more specific. Mr. Sackwitz did so, again addressing the President. The letter, as in the first instance, was sent over to the Secretary of the Interior. He gave a list of federal public works on which Asiatics had been employed as follows: The Naval Station had been constructed under the supervision of Admiral Merry, Marston Campbell contractor, the labor being wholly by Asiatics. The Quarantine Station had been constructed by Dr. Cofer, Peter High contractor, using nearly all Asiatic labor. The same had been true, he wrote, of the dredging of Pearl Harbor by Cotton Bros. Contractor Emery

DISCLAIM LIABILITY FOR CLAY COMPANY

O. L. Sorenson, F. C. Atherton, C. H. Cooke and F. B. Damon have filed joint and several amended answers to the bill to obtain discovery and to enforce stockholders' liability brought by Charles R. Hemenway, trustee in bankruptcy of Honolulu Clay Co., against Honolulu Clay Co., F. J. Lowrey and others. They say that on the incorporation of the company its directors and officers caused to be issued 750 shares of its stock of the par value of \$100 a share to the following persons: In the proportions given, in payment for the business and property of the company previously existing as a co-partnership: H. L. Kerr, 230 shares; M. L. Smith, 230 shares; F. L. Litherland, 145 shares; C. G. Ellison, 145 shares.

They say that the value of the property conveyed did not constitute the entire value of the business conducted by the partnership, in that the parties before incorporation expended money in getting the brick-making business started, in conducting boring experiments for clay in various localities, in testing the clay and in bringing expert brick men from the mainland. "The honest and probable value of said brick-making business as a whole and as an existing enterprise at the time of said incorporation," these respondents say, "was seventy-five thousand dollars."

They deny that they own or hold any stock in the corporation which is not in fact paid up and on which there is any liability to pay further either to petitioner or to anyone else. Atkinson, Judd & Mott-Smith are their solicitors.

A KAMAAINA'S VIEWS OF HILO

One of the best known men in the Territory is Aug. Drier, a retired sugar planter, for years a resident of Kaula, but more recently of Honolulu. He is here for recreation and has been spending a couple of weeks at the crater with his wife.

"I remember old Hilo," he said to a representative of the Herald at Hotel Demosthenes yesterday, "but it is not the Hilo of today. I note many changes, of course, but they were to be expected. I have been laying off at the Volcano House and find it a most comfortable place where one may keep out of the way of business and get plenty of good things to eat. It is a quiet spot, just the place I have been looking for an age because I can be entirely free from care and can not be found by people with 'good things' to promote."

Mr. Drier is the largest individual stockholder in the Inter-Island Steam Navigation Co. and is considered as one of the shrewdest and most conservative business men in the Territory. With Mrs. McBryde he owned a valuable sugar plantation at Elelee which he successfully managed for a number of years until McBryde was organized and his plantation was purchased by that company and included in its holdings. He has not engaged in active business since then but keeps a close watch on the plantations in which he may have an interest. When it was suggested that an additional, and larger steamer on the route between Honolulu and Hilo would mean much for the company and for Hilo Mr. Drier said: "I can see the need for it and we may put one on. I have been looking into the matter and will say that I believe a better steamer is needed and you may get it after awhile."

Mr. Drier and wife will return to the Volcano House this morning.—Hawaii Herald.

Secretary Atkinson takes to Washington a statement of the financial condition of the Territory.

in building the Immigrant Station, on plans by Architect O. H. Traphagen, had employed citizen labor, but the shop work had been done by Asiatics. "While citizen labor stands idle," Mr. Sackwitz added, "the United States transports are recoiled by Asiatics, the stevedores being from the firm of Mr. McCabe."

On the receipt of this letter the matters were referred to the several departments concerned and it is expected in due time that replies will be received and a statement made to Mr. Sackwitz. It is not believed here that the protest will make any material change in the present situation. The departments as a rule discountenance the employment of foreign labor to the exclusion of citizen labor. At the same time it is recognized that in such cases the exigencies often require the employment of cheap labor and that it is not feasible for the departments to put a ban on it.

COMMISSIONER NEILL'S REPORT.

Labor Commissioner Charles P. Neill is still working on the labor report for Hawaii. It is the intention to make it the most important of all the reports which have preceded it. The first report, as is well known, was written practically in the office of the Commissioner of Labor, without sending any statisticians to the islands. The second report was a little more carefully prepared, but still was not as valuable for statistician and economical purposes as it should have been.

He has been so much occupied with other business of his office that Dr. Neill has had difficulty in sparing time to write his Hawaiian report, but he is now staying at his residence on occasional days to devote himself entirely to the Hawaiian work.

QUARANTINE GANGWAY.

Supervising Architect of the Treasury Taylor reported today that the plans for the gangway for the quarantine wharf at Honolulu, had not yet been received from the San Francisco Agent, Mr. Roberts. Mr. Walter Wyman, surgeon general of the Marine Hospital Service, states that the sanitarian matters are in statu quo, as he has had no time for further consideration of questions involved.

LIGHTS AND BEACONS.

The Department of Commerce and Labor announces in its official bulletin of the Coast and Geodetic Survey that a second class nun buoy, painted black and white in perpendicular stripes, has been moored in 42 feet of water on the line indicated by the Kaunakakai Range lights in line. The buoy is on the bearings: Kaunakakai Range lights in line, NNE. 1-4 E.; Black Rock, NE. 7-8 N., distant about 5-12 mile.

AUTHORITY IS LACKING

It seems something more is needed than the bare right, to enable a lawsuit to be carried from Hawaii to Washington. By a decision of the Supreme Court, written by Justice Hartwell, with whom sat Justice Wilder and Circuit Judge De Bolt, an entry of judgment for the purpose of an appeal to the United States Supreme Court, moved for by defendant, is refused in the ejectment case of Moses Meheula vs. Pioneer Mill Co., Ltd., in which the appellate court affirmed judgment of the Second Circuit court for plaintiff. C. W. Ashford for plaintiff; Kinney, McClanahan & Cooper for defendant. The syllabus of opinion is as follows:

"The defendant's exceptions to the trial of an action of ejectment in the circuit court having been overruled, the defendant's motion that this court make a final judgment or order affirming the judgment in the circuit court is denied, there being no statutory authority therefor. The defendant's desire to appeal to the United States Supreme Court from final judgments of this court does not authorize this court to assume the power."

In the body of the opinion the court says: "We are of the opinion that this court can take no other action on overruling exceptions than to authorize the issue of a remittitur."

IGNORANT GUARDIANS.

A. Perry, in opposing the continuance of the matter of Jacintho Gomes, said that the calling of a certain witness then absent would be a waste of time, adding that it was known the guardian kept no books and was an ignorant person. Judge De Bolt remarked that such persons should not be appointed guardians, and Mr. Perry said he hoped the court would never appoint another such. Mr. Correa, for the minors, insisted on a continuance, which was granted.

FEAR SUGAR OF THE PHILIPPINES

DENVER (Colo.), October 19.—"We will not spend another dollar in Colorado until we discover what effect the importation of Philippine sugar, if it is imported, will have on the situation."

That is the positive statement of H. O. Havemeyer, president of the sugar trust, who, with Colorado sugar-makers, left this morning on a tour of inspection of the sugar plants of the State.

"We have discovered through the report of Aaron Gove that sugar can be raised in the Philippines and laid down in the port of New York at 1 cent a pound. We can't compete with that sort of thing," said C. S. Morey of the Great Western Sugar Company. Here are some of the facts that Havemeyer asks the citizens of the State to ponder over: "The average wage for the common laborer on American sugar-beet farms is \$1.50 to \$2.50 a day. The average wage on the Philippine sugar plantations is 80 cents a week, Mexican money, and a supply of rice, or 6 cents, United States currency, a day and rice."

A SAFE COUGH MEDICINE FOR CHILDREN.

In buying a cough medicine for children never be afraid to buy Chamberlain's Cough Remedy. There is no danger from it and relief is always sure to follow. It is especially valuable for colds, croup and whooping cough. For sale by All Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.